

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number

A8973

Mail Stop AF
 Commissioner for Patents
 P.O. Box 1450 Alexandria, VA 22313-1450

Application Number

10/607,646

Filed

June 27, 2003

First Named Inventor

Guyton P. SWINDELL

Art Unit

3729

Examiner

Thiem D. PHAN

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal

The review is requested for the reasons(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

☒ I am an attorney or agent of record.

Registration number 40,766



Signature

Carl J. Pellegrini

Typed or printed name

(202) 293-7060

Telephone number

December 19, 2007

Date

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: A8973

Guyton P. SWINDELL, et al.

Appln. No.: 10/607,646

Group Art Unit: 3729

Confirmation No.: 2684

Examiner: Thiem D. PHAN

Filed: June 27, 2003

For: APPARATUS AND METHOD FOR TAUT SHEATH SPLICING OF ALL-DIELECTRIC, SELF-SUPPORTING FIBER OPTIC CABLE

PRE-APPEAL BRIEF REQUEST FOR REVIEW

MAIL STOP AF - PATENTS

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Pursuant to the Pre-Appeal Brief Conference Pilot Program, and further to the Examiner's Final Office Action dated June 19, 2007, Applicant files this Pre-Appeal Brief Request for Review. This Request is also accompanied by the filing of a Notice of Appeal.

Applicant turns now to the rejections at issue:

The Examiner has rejected claims 6-10 and 12 under 35 U.S.C. § 103(a) as being anticipated by Smith et al. in view of Forrester. Applicants disagree with these rejections because the cited references fail to disclose or suggest all of the claim limitations. Specifically, Smith et al. fails to disclose or suggest at least "applying a clamp to a first portion of a self-supporting first fiber optic cable" in claims 6 and 12. In addition, one of skill in the art would not be motivated to combine the teachings of Smith and Forrester to arrive at the claimed invention.

The Examiner asserts that the clamp is cable support 21 and clamp 22, the fiber optic cable is communications cable 18 and the bail is strand 12. However, cable support 21 cannot be the claimed clamp because it is not connected to a bail (or strand 12). Likewise, clamp 22 is not connected to the cable 18. For at least these reasons, Applicants request that the prior art rejections be withdrawn.

In the Advisory Action, the Examiner states that “the Examiner views the claimed [clamp] limitation in light of the specification and drawings where the clamps (Fig. 1, 28 & 30) are not attached directly to the fiber optic but to the splice or ONU (Fig. 1, 24).” However, the claimed clamp does not correspond to items 28 and 30. Rather, the claimed clamp corresponds to wedge clamp 12, which is directly connected to both the fiber optic cable and bail.

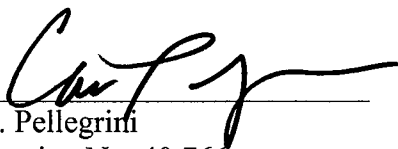
In addition, as the Examiner concedes, the cable in Smith et al. is supported by a strand 12 (or messenger), and therefore is not a self supporting cable. In order to make up for this deficiency, the Examiner refers to col. 1, lines 9-11 of Forrester for providing the reason to use an ADSS cable, i.e., “strength and application in close proximity to a power line.” However, in Smith et al. the communications cable 18 is already right next to the power cable 16. The Examiner then argues that the circuitry of figure 1 of Smith must be isolated from the public, unfiltered, electrical power line to households or industry and that therefore, it would be obvious to apply the ADSS cable around the enclosure without the voltage line needed for an ONU, as taught by Forrester to the method of Smith in order to avoid crosstalk from the electrical power line.

However, even if the Examiner is correct about keeping the cable away from the power line, that does not mean that one of skill in the art eliminate the strand 12, which is used to support the cable.

The Examiner has rejected claim 11 under 35 U.S.C. § 103(a) as being unpatentable over Smith et al. in view of Forrester et al. or AAPA. Applicants disagree with these rejections because the cited references fails to disclose or suggest all of the claim limitations for the same reasons as described above.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited.

Respectfully submitted,



Carl J. Pellegrini
Registration No. 40,766

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: December 19, 2007